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Atty. Docket No.: 3922/43

CPH 2800 B  
ket No.: 392243  
FICE #11 Fee  
5/13/02 Letter  
COTW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Leonard FRANK et al.  
Appln. No. : 09/451,207 Examiner :  
Filed : November 29, 1999 Group Art Unit: 2876  
Title : ELECTRONIC DELIVERY OF ADMISSION TICKETS  
DIRECT TO A PURCHASER

## **BOX MISSING PARTS**

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

**RESPONSE TO "NOTICE TO FILE MISSING  
PARTS OF APPLICATION--FILING DATE GRANTED"**

Sir:

We acknowledge receipt of the Notice To File Missing Parts of Application--  
Filing Dated Granted dated September 25, 2001 and received by this office on January 23, 2002.  
As indicated on the enclosed Examiner Interview Summary Record, the mailing date of the  
Notice has been reset by the USPTO to February 26, 2002. Enclosed are:

### **copy of the Notice**

## copy of the Examiner Interview Summary Record

check for \$514.00 (covering application filing fee of \$355, additional claim fees of \$94 and surcharge fee of \$65).

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to our Deposit Account No. 02-4270.

Respectfully submitted,

Dated: 4-22-52

Frank J. DeRosa  
Reg. No. 26,543  
**BROWN RAYSMAN MILLSTEIN FELDER**  
**& STEINER LLP**  
900 Third Avenue  
New York, New York 10022  
(212) 895-2000 (Office)  
(212) 895-2900 (Fax)

I hereby certify that this paper is being deposited this date with the  
U.S. Postal Service as First Class Mail addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231

Date

Frank V DeRosa

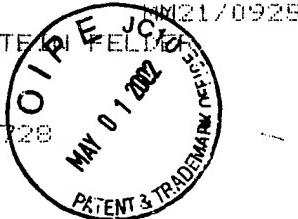
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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING / RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO/TITLE
09/451,207	11/29/99	FRANK	L 3922.43

BROWN RAYSMAN MILLSTEIN & STEINER LLP  
900 THIRD AVENUE  
NEW YORK NY 10022-4728



TAYLOR, L

2876

DATE MAILED: 09/25/01

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TC 2800 MAIL ROOM

**NOTICE TO FILING MISSING PARTS OF APPLICATION (CPA)**  
**Filing Date Granted**

The Continued Prosecution Application (CPA) request filed on 9/17/01 is entitled to a filing date under 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below.

Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

**The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below.**

1. The statutory basic filing fee is:  
 missing.  
 insufficient.

(a) Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$ \_\_\_\_\_ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)).

(b) Applicant must submit \$ 355.50 to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e).

2. Additional claim fees of  
\$ \_\_\_\_\_ (non-small entity) or \$ 54.60 (small entity) for 6 independent claims over 3.  
\$ \_\_\_\_\_ (non-small entity) or \$ 40.10 (small entity) for 1 claims over 20.  
\$ \_\_\_\_\_ (non-small entity) or \$ \_\_\_\_\_ (small entity) for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m))  
 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request.  
 5. Other: \_\_\_\_\_

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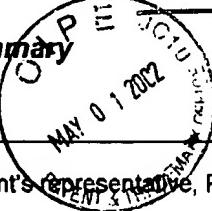
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<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/451,207	FRANK ET AL.	
	Examiner	Art Unit	
	Larry D Taylor	2876	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Larry D Taylor. (3) \_\_\_\_\_.  
 (2) Frank DeRosa (for applicant). (4) \_\_\_\_\_.

Date of Interview: 19 April 2002.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: none.

Identification of prior art discussed: none.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

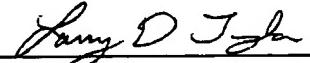
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner (PTO) recognizes that the Notice to Filing Missing Parts of Application (paper no. 7) was not received by the applicant's attorneys until after 23 January 2002. Therefore, the applicant is granted until 26 April 2002 to remit the missing parts fee.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

**Summary of Record of Interview Requirements**

A written written statement as to the outcome of any interview, or transcript of view which may be made in writing, application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.136. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.